



David B. Cohen
Mayor

CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development
Michael J. Kruse, Director

Telephone
(617)-796-1120

TDD/TTY
(617) 796-1089

Telefax
(617) 796-1142

E-mail
mkruse@newtonma.gov

Public Hearing Date: June 12, 2007
Land Use Action Date: **T.B.D.**
Board of Aldermen Action Date: August 13, 2007
90-Day Expiration Date: September 10, 2007

DATE: June 8, 2007

TO: Board of Aldermen

FROM: Michael Kruse, Director of Planning and Development
Nancy Radzevic, Chief Planner
Robert Merryman, Senior Planner

SUBJECT: **Petition #162-07 of BELL ATLANTIC, LTD. d/b/a VERIZON WIRELESS/**
NONAMTUM POST #440 for SPECIAL PERMIT / SITE PLAN APPROVAL for
installation of 3 wireless antennas, located within a "Stealth Flagpole" (monopole), wall
mounted GPS antenna, emergency generator, 2 HVAC Condensers and associated
equipment located at 295 California Street, Newton, MA, Ward 1 Section 11, Block 5,
Lot 8A containing 83,650 sq. ft of land in a Multi-Residence 2 District.

CC: Mayor David B. Cohen

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.

EXECUTIVE SUMMARY

The petitioner is seeking a special permit to install 3 wireless telecommunication antennas within a "stealth" flagpole located within an existing landscape island in the existing parking lot and a GPS antenna mounted on the north façade of the existing American Legion Post building at 395 California Street. In addition, the petitioner is seeking an amendment to Board Order #340-80, to allow for the installation of an emergency generator and two (2) HVAC condenser units in the rear yard. All other related ancillary equipment will be located in the basement.

I. ELEMENTS OF THE PETITION

Bell Atlantic, LTD, d/b/a Verizon Wireless and Nonamtum Post #440 are seeking a special permit to allow for the installation of 3 telecommunications panel antennas within a "Stealth Flagpole" and a façade mounted GPS antenna on the north face of the existing veterans hall, known as "Nonamtum American Legion Post #440." In addition, the petitioner is seeking to amend the site plans (Board Order #340-80) to allow for the installation of an emergency generator and two HVAC condenser unit to be located, within an fenced enclosure, behind the existing building.

The proposed panel antennas would be hidden within a new 70 ft. high monopole, designed as a flagpole, that would be replacing an existing 50 ft. high, 12 inch diameter flagpole. The submitted plans depict a monopole with a base of 32 inches and a top of 26 inches, with a "Gold Ball" at the top, to reinforce the appearance as a flagpole.

The small façade-mounted GPS antenna would be located on the back wall (north façade), just below the roof plate, and painted to match the existing façade. In addition to the antennas, the plans also depict an emergency generator and two (2) HVAC condensers on the ground at the rear of the building. The petitioner stated that Verizon includes an emergency generator at all of their installations for back up, in the event of a complete blackout, to allow Verizon Wireless cell sites to remain "on air." The petitioner believes that Verizon is providing a public benefit of uninterrupted wireless service to the area in times of blackout or natural disaster. The condensers are necessary to keep the interior mounted equipment from overheating and either breaking down or possibly creating a fire hazard. A BTS equipment room (approximately 15 ft. X 15 ft.) will be constructed in the basement at the rear of the hall, to house the ancillary equipment.

Based on the submitted plans, the cable connection will be run underground from the flagpole to the equipment room, in the basement of the structure.

II. ZONING RELIEF SOUGHT

Based on the Chief Zoning Code Official's written zoning review, dated May 3, 2007 (SEE ATTACHMENT "A"), the petitioner is seeking approvals through or relief from the following sections of the City's Zoning Ordinance:

- > Section 30-18A (e)(7) — allows the Board of Aldermen to grant a special permit for the construction of a free-standing monopole in a Multi Residence 2 District not otherwise allowed as-of-right;*
- > Section 30-18A (e)(7)(b) via Section 30-18A (h) — allows the Board of Aldermen to grant a exception from the minimum setback of 125 feet from the property line for a free-standing monopole;*
- > Section 30-18A (e)(7)(c) via Section 30-18A (h) — allows the Board of Aldermen to grant a exception from the minimum setback of 280 feet from the nearest residential structure to the free-standing monopole;*
- > Section 30-18A (e)(7)(c) via Section 30-18A (h) -- allows the Board of Aldermen to grant a exception from the minimum setback of 160 feet from the nearest non-residential structure to the free-standing monopole;*

- > *Section 30-18A(e)(3)& (h)(5) -- allows the Board of Aldermen to grant a special permit for a façade mounted GPS Antenna on a structure in a Multi Residence District not otherwise allowed as-of-right;*
- > *Section 30-24 allows the Board of Aldermen to grant a special permit for building mounted wireless communication equipment when Section 30-18A (a)&(c) have been satisfied;*
- > *Section 30-23 allows the Board of Aldermen to grant Site Plan Approval; and*
- > *An Amendment to Board Order #340-80, to modify, the approved site plan and landscaping to allow for the installation of the fenced in HVAC units and generator.*

III. SIGNIFICANT ISSUES FOR CONSIDERATION

In reviewing the petition, the Board of Aldermen should consider:

- > *Whether this is an appropriate location for a monopole supporting 3 wireless panel antennas;*
- *Whether the waivers to the setback requirements for the monopole are acceptable for this site;*
- > *Whether the location of the façade mounted GPS antenna is appropriate and whether it has been designed to minimize any visual impacts; and*
- *Whether the emergency generator and the HVAC condensers have been sited and screened to minimize the visibility of the devices and to reduce the visual and noise impacts on the surrounding neighborhood.*

IV. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Site

The 83,650 sq. ft. subject property is located on the north side of California Street along the Charles River, in Nonantum. The site is improved with a 2-story (32 ft. high) Veterans Hall, which was built in 1980. The site includes an existing 50 ft. high flagpole located within the existing 182 stall parking lot, in an existing landscape island that would be replaced with a 70 ft. high flagpole, at the same location and within the same footprint, if this request for Special Permit is approved. The flagpole is located 60 ft. from the MA Department of Conservation and Recreation (former Metropolitan District Commission) property line to the north, 176 ft. from the edge of the Charles River to the north, and 195 ft. from the nearest residential abutter.

B. Neighborhood

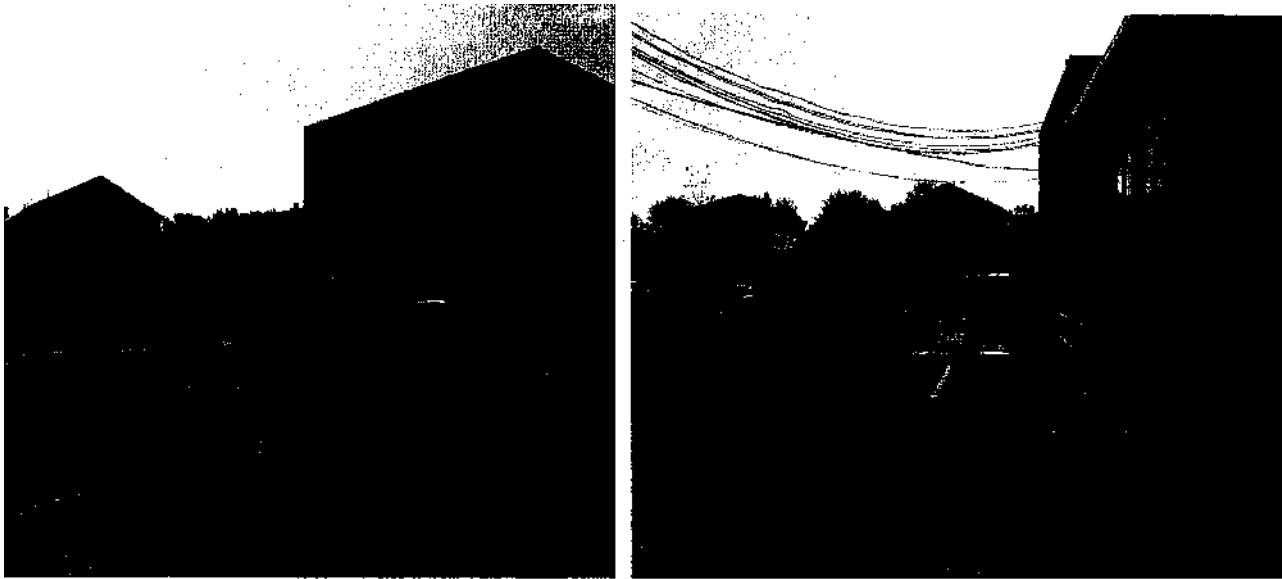
The site is abutted to the north by the MA Department of Conservation and Recreation (former MDC) Charles River Reservation and the bank of the Charles River, to the east by single- and two-family dwellings, and to the west by a two-family dwelling. Across California Street, to the south, the properties are improved with multi-family dwellings and several small office, retail, and mixed-use buildings.

The subject site and the properties to the east and west are within a Multi-Residence 2 District. The properties to the south across California Street are within a Business 1

District. The MA Department of Conservation and Recreation parcel is within a Public Use District.



VIEW OF EXISTING FLAGPOLE, FROM CALIFORNIA STREET



VIEW OF THE REAR OF THE BUILDING, WHERE GENERATORS AND
CONDENSER UNITS WILL BE LOCATED

V. ANALYSIS

A. Design and Operating Criteria — Section 30-18A(c)

The petitioner is proposing to install the 3 panel antennas inside the fiberglass monopole "flagpole" and attach a GPS antenna the rear facade of the building, just below the roof plate, to eliminate silhouetting. The petitioner is proposing to paint the GPS antenna to match the façade of the existing structure. The petitioner has submitted examples of Decibel Base Station Antennas, and stated that the proposed panel antennas, located within the monopole, will be 57" x 11" x 5" and GPS antenna will be 18" high, with a 6" diameter.

The ancillary equipment will be located within a 15' x 15' room within the Post #440 basement. Based on the submitted plans, the cable connection from the flagpole to a basement equipment room will be run underground, while the cable for the GPS antenna would run down the rear face of the building and then through the wall to the basement. The GPS cable will be painted to match the existing façade. As such, the Planning Department believes that the cable and GPS Antenna should not be visible to abutting neighbors or from the Charles Riverfront Resource Area.

The petitioner is also proposing to place two (2) HVAC condenser units and an emergency generator on concrete pads behind the building. The condenser units and generator as well as the existing HVAC unit would be screened by a 6 ft. high stockade fence and, as such, should not be visible from any abutting properties. The petitioner has offered to provide additional noise dampening for the generator if deemed necessary. The petitioner submitted a noise study which found a background noise level at the site of 50 dBA and stated that the "Generac" 60kW generator with Level II noise mitigation, at 60 dBA's (at 30 feet), would just meet Newton's criteria of background noise plus 10 dBA's. The petitioner indicated that the condensers units would be below this sound

limit, but did not include information on those units in their noise study. The Planning Department has advised the petitioner that the noise study should include condenser units, and the petitioners indicated they would submit this information prior to the hearing.

The criteria for wireless communications equipment are specifically designed to address issues relating to special permit for a façade mounted antenna installation, and cover the location of antennas and ancillary equipment, as well as screening and camouflaging. The following table shows how this proposed installation compares with the Design and Operating Criteria established in Section 30-18A(c) of the Zoning Ordinance:

REQUIREMENT	COMPLIES		
	YES	No	N/A
1. A statement from a radio frequency engineer or other qualified engineer certifying that the standards of the 1996 Telecommunications Act have been met.	x		
2. The equipment must at all times be maintained in good and safe condition and comply with all applicable FCC standards and shall be removed within thirty (30) days of the date when all use of such equipment ceases. This applies to all wireless communication equipment and structures, including any existing equipment and structures	X		
3. The equipment should be sited, screened, painted or otherwise finished to blend in with the building or structure on which it is mounted in a manner that aesthetically minimizes the visibility of the equipment.	x		
4. Any fencing used to control access to the equipment should be compatible with its surroundings.	X		
5. Equipment boxes for building-mounted equipment should be either interior to the building on which it is located, completely camouflaged, and/or completely screened from view from the public way.	x		
6. All freestanding wireless communication equipment should meet any setback requirements for the district in which it is located and should be screened from the public way.		NO	
7. No part of building-mounted wireless equipment shall be located over a public way.			N/A
8. Construction of the equipment should avoid major topographic changes and minimize the removal of trees and soil.	X		
9. Installation of wireless communication equipment shall avoid the removal or disruption of historic resources on and off-site.	X		
10. Wireless communication equipment shall not be illuminated, except as required by state and federal law.	X		
11. Equipment owned and operated by an amateur radio operator shall be constructed at the minimum height necessary to accommodate communications in order to minimize the aesthetic impact.			N/A
12. Wireless communication should be maintained and operated in accordance with the City of Newton "Noise Ordinance." Applicants shall use best efforts to minimize noise from any external noise producing equipment, and should provide a report from a qualified acoustical engineer or other appropriate professional certifying that the proposed equipment meets the requirements of the Noise Ordinance.	x		

As shown in the table above and as described in the preceding text, the proposed wireless installation will meet with all the relevant design criteria established in the ordinance

with the exception of the required setback from a residence, a non-residential building and property line for the monopole. As previously noted, the petitioner is seeking relief from these setback requirements.

B. Section 30-23: Site Plan Approval

The proposed installation of a larger (height and diameter) monopole "flagpole," in place of the existing flagpole, as well as the location of the emergency generator and two condenser units behind the existing building requires approval from the Board of Aldermen as an amendment to the controlling site plan, which was approved through Board Order #342-80.

The Planning Department believes that the replacement of the existing flagpole, with a monopole is appropriate on this site as it has been designed as a flagpole and, although somewhat larger, should not be more intrusive to the existing streetscape and/or neighborhood than the existing flagpole.

The Planning Department, however, does have a concern about the proposed location of an emergency generator on this site, which is in close proximity to residential abutters. Emergency generator noise is the main concern. The Board of Aldermen should also discuss and consider whether or not it is appropriate to allow the installation of emergency generators in residential neighborhoods, as any future co-locators may also request emergency generators on-site.

The petitioner is proposing to screen the generator and the condenser units with a 6-ft. high wood stockade fence. The petitioner has stated that the generator would operate 60 dBA (at 30 Feet) and that the increase in noise level would be less than the allowed 10dBA increase at the property line. The petitioner stated that the 2 condenser units would create less noise and would easily comply with the noise ordinance, however, they have not provided any data to support this. ***It is expected that the petitioner will provide additional information related to the noise levels of all three exterior units, at the public hearing.***

C. Relevant Special Permit Criteria

1. The specific site is an appropriate location for such use/structure

Based on the information provided by the petitioner, the proposed installation is needed as part of a regional system to provide mobile phone service. The petitioner stated that there are no other viable options for their proposed wireless installation in the immediate neighborhood. The plan to replace the existing flagpole, with a slightly larger monopole, designed as a flagpole, seems to be an appropriate solution for concealing the panel antennas, on this site.

The Planning Department has worked with the petitioner to reduce the possible impacts of a wireless installation at the Post #440 site. The submitted plans have been revised, over previous iterations, such that the height of the monopole has been reduced from 80 feet to the currently proposed 70 feet. Although the Planning Department had suggested reducing the height even further, the petitioner stated

that any further reduction in height would eliminate the viability of any other wireless company co-locating antennas within the monopole/flagpole. Providing for potential co-location is required by the ordinance, as a means to reduce the total number of towers and/or monopoles within a given area.

The submitted plans depict a flagpole with a base of 32 inches and a top of 26 inches. The petitioner has suggested an alternative of a non-tapered 26.65 inch diameter monopole/flagpole. While the Planning Department does not believe there will be much difference, visually, in utilizing the tapered vs. non-tapered pole, we believe that the proposed "Gold Ball" at the top of the pole, as proposed, is too small in relation to diameter of the pole, and would suggest that it be made larger, in order to be in proper scale with the proposed monopole.

2. The use as developed and operated will not adversely affect the neighborhood

The petitioner is proposing to install three panel antennas inside a fiberglass monopole, which would be painted white and will function as a flagpole. The pole would replace the existing flagpole, located near the rear of the building.

The GPS antenna will be located on the rear façade of the building and will be painted to match the existing structure, and, as such, should have little if any visual impacts on the abutters or the adjacent Charles Riverfront area. The associated ancillary equipment will be located within a new 15 ft. x 15 ft. equipment room, located within the Post #440 basement.

The condenser units and emergency generator would be placed at the rear of the building. The existing building HVAC unit is located in the same area, closer to the property line than the proposed units. The petitioner is proposing to install a 6 ft. stockade fence around the new and existing units. ***The petitioner provided a noise analysis for the generator but has not presented any information on the noise effect on the nearest resident to the 2 condensers, but is expected to provide this information at the public hearing.***

The Planning Department, however, does have a concern about the proposed location of an emergency generator on this site, which is in close proximity to residential abutters. Emergency generator noise is the main concern. The Board of Aldermen should also discuss and consider whether or not it is appropriate to allow the installation of emergency generators in residential neighborhoods, as any future co-locators may also request emergency generators on-site.

The petitioner stated that they would be willing to reduce the noise of the emergency generator, if the Board believes that it is necessary to do so. At the public hearing, the petitioner should be expected to provide further specific information regarding the dampening of noise of the emergency generator.

3. There will be no nuisance or serious hazard to vehicles or pedestrians

The proposal is for an unmanned wireless station. As such, there should be no serious hazard to vehicles or pedestrians associated with this proposal. The Post #440 site contains 182 parking stalls, which should satisfy any temporary parking needs for the routine maintenance of the equipment.

4. Access to the site over streets is appropriate for the types and numbers of vehicles involved

The petitioner estimates that only two trips per month will be necessary for the maintenance of the equipment. The Planning Department believes that this site contains adequate off-street parking to accommodate the limited, short-term parking needed associated with the routine maintenance, and as such, would not recommend any additional parking for this use.

IV. SUMMARY

The petitioner is proposing to install 3 panel antennas (57" x 11" x 5" each) within a new fiberglass monopole, designed as a flagpole at the Post #440 site in Nonantum. This new 70-ft. monopole will replace an existing 50-ft. tall flagpole. In addition, they are proposing to install a 6" diameter, 18" tall GPS antenna on the rear façade of the building, just below the roof plate, which will be painted to match the existing structure.

Although most of the associated ancillary equipment will be located in a 15 ft. x 15 ft. equipment room, located in the Post #440 basement, the petitioner is proposing to install two (2) HVAC condenser units and an emergency generator, on concrete pads, behind the building. The new condenser units and generator as well as the existing HVAC unit would be screened by a 6-ft. high stockade fence and, as such, should not be visible from any abutting location.

The Planning Department, however, does have a concern about the proposed location of an emergency generator on this site, which is in close proximity to residential abutters. Emergency generator noise is the main concern. The Board of Aldermen should also discuss and consider whether or not it is appropriate to allow the installation of emergency generators in residential neighborhoods, as any future co-locators may also request emergency generators on-site.

Although the petitioner had submitted information on the noise associated with the generator, the study did not include information on the noise related to the condenser units. *The petitioner should be expected to provide the following information, at or prior to the public hearing:*

1. *An updated noise analysis, which should include information on the noise for the two condensers, run individually and in conjunction with the emergency generator unit (for a worst case scenario, noise analysis);*
2. *Information on the proposed method to control the noise from the generator and/or condenser units, if such mitigation is determined to be necessary by the Aldermen.*

Zoning Review Memorandum


Proposed Wireless Communication Installation

Dt: May 3, 2007

To: Carl W. Gehring, representing Bell Atlantic Mobile of Mass./d a Verizon Wireless

Fr: Juris Alksnitis, Chief Zoning Code Official

Cc: Mike Kruse, Director of Planning and Development
John Lojek, Commissioner of Inspectional Services



Re: Proposed installation of wireless communication equipment and flagpole-style monopole at Nonantum Post #440, located in a residential zone.

Applicant: Bell Atlantic Mobile of Mass./dba Verizon Wireless

Site: 295 California St.

SBL: Section 11, Block 05, Lot 8A

Zoning: MR-2

Lot Area: 83,650 sq. ft.

Use: Post #440 property and function building

Type of Installation:

- ☐ Residential, per Section 30-18A(d)(1)*
- ☐ Amateur, per Section 30-18A(d)(2)
- ☐ Commercial interior-mounted, per Section 30-18A(d)(3)
- ☐ Commercial interior-mounted, located in residential districts, per Section 30-18A(d)(3)
- E3** Commercial interior-mounted, located in residential districts, per Section 30-18A(e)(1)
- Li** Commercial roof-mounted, located in residential districts, per Section 30-18A(e)(6)
- Li** Commercial façade-mounted, per Section 30-18A(d)(5)
- E3** Commercial façade-mounted, located in residential districts, per Section 30-18A(e)(3)
- ☐ Commercial interior-mounted, located in public use districts, per Section 30-18A(d)(6)
- ☐ Non-residential satellite earth station antennas, per Section 30-18A(d)(7)*
- E3** Commercial free-standing monopole, per Section 30-18A(e)(7)

.....

The applicant has submitted a copy of the application to the Director of Planning and Development for Administrative Site Plan review, per Section 30-18A(g) for compliance with Section 30-18A(c).

Background:

The applicant states that no other wireless installation is present at the subject location. This site has been selected as a locus to cover a gap in cellular PCS coverage for Verizon Wireless service. The applicant seeks to install wireless communication antennae inside a new 70 ft. working "stealth flagpole" located in the parking area of Post 440. In addition, a GPS antenna would be installed on the rear façade of the clubhouse building approximately at the roofline. Related radio equipment would be installed in the basement of the Post 440 building while a backup natural gas generator and new HVAC units would be located at grade to the rear in the vicinity of the current dumpster and existing HVAC units. The installation would include:

- 70 ft. tall "stealth flagpole" approximately 2 ft. in diameter at ground level located within island toward rear of parking area.
- Three panel antennae for Verizon use mounted within proposed flagpole near top.
- Provision for multiple additional interior antennae placements for a future co-locator.
- One GPS façade mounted antenna on rear side of building, at roofline.
- Two HVAC condenser units located at grade on concrete pad adjacent to the building north side at rear of the building.
- One natural gas powered backup electrical generator located at grade on concrete pad adjacent to the building north side near the rear of the building.
- Proposed new radio equipment room to be located within basement level of Post 440 building.

The applicant seeks approval pursuant to Section 30-18A(e)(1), *Wireless Communication Equipment Allowed by Special Permit* for an interior installation within a flag-pole style monopole structure not otherwise allowed under Section 30-18A(d)(3), and pursuant to Section 30-18A(e)(7) for a monopole as well as for a façade mounted. GPS antenna in a residential district pursuant to Section 30-18A(e)(3). In addition, amendment of prior BO #340-80 and #340-82 and plans of reference will be necessary. The property owner, Nonantum Post 440, Inc., has agreed to lease the premises so as to allow the proposed wireless installation and will become a co-petitioner for the special permit.

Administrative determinations

1. Section 30-18A(e)(1) requires a special permit for interior mounted antennae within a structure not otherwise allowed pursuant to 30-18A(d)(3). In addition, the proposed "stealth" flagpole-style unit appears to be a monopole and is subject to 30-18A(e)(7). The three antennae panels will be mounted within the interior of the flagpole-style monopole, and will be entirely screened by this installation. It is also noted that this structure will be a functioning flagpole for use by Post 440. Also, a façade mounted GPS type antenna in a noncommercial zone requires a special permit per 30-18A(e)(3). In addition, the property is subject to Board Order(s) #340-80 and #342-80 granted July 9, 1980, which govern the site. As the proposed project will alter previously approved site plans by the installation of a monopole and ancillary equipment, an amendment to these Board Orders, and plan of record referenced in Condition 2 are necessary.
2. *Section 30-18A(c)(12)* requires compliance with the Newton Noise Ordinance. The report submitted by the applicant, prepared by Modeling Specialties, indicates noise-generating ancillary equipment will meet Newton standards. However, the report also suggests additional mitigating steps be considered to reduce effects on the community during generator testing.

3. *Section 30-18A(d)(5)* establishes certain placement requirements governing façade-mounted installations. While the submitted information pertaining to the proposed GPS unit suggests this antenna may meet the applicable requirements stated in (d)(5)a) and (d)(5)b), and will be painted to match the building, the generic mounting detail provided by the applicant does not describe this particular installation. The applicant is responsible for providing information confirming that the proposed installation will comply. In addition, as noted above, a façade-mounted installation located in a non-commercial zone requires a special permit from the Board of Aldermen per *Section 30-18A(e)(3)*.
4. No landscaping is proposed. While the area at the base of the proposed monopole will be restored to currently existing conditions, final landscaping should be consistent with plans approved pursuant to BO #340-80 and #340-82.
5. Up-lighting is proposed to illuminate the American flag, which is intended to be flown from the new monopole 24 hours/day 7 days/week. A replacement floodlight will be mounted on the building and focused on the flag. Ordinance X-142, *Light Ordinance*, Section 20-24(b)(4) exempts the lighting of the U.S. flag from Section 20-24, *Light Pollution Prohibited*. However, as Section 20-25, *Light Trespass Prohibited*, continues to apply, the applicant is responsible for ensuring that the proposed lighting will not spill over the boundaries of the subject site. Alternatively, the applicant may wish to consider requesting a waiver pursuant to Section 30-26, *Waiver*.
6. Submitted plans indicate that the existing 50 ft. flagpole will be removed and that another existing 25 ft. high flagpole currently placed in the side memorial area within the adjacent lot (SBL11-05-08) owned by Post 440 will be relocated. The revised locus will remain within SBL 11-05-08, and be situated more than 10 ft. away from the side lot line, in compliance with side-yard setback requirements.
7. *Section 30-18A(e)(7)a-c)* establishes certain dimensional; setback, and locational requirements governing free-standing monopoles. While the proposed monopole meets the height requirement stated in (7)a), relief will be needed pertaining to certain setbacks articulated in (7)b) and (7)c) as follows pursuant to *Section 30-18A(h)*:
 - Setback from rear property line (adjacent to Charles River) is 99 ft., which is less than 125 ft. requirement.
 - Setback requirement from nearest residential structure or public right of way is 280 ft. (4 ft per 1 ft. of height). However the proposed pole location is within 195 feet of nearest residential structure (43-45 Rustic St.) requiring an exception pursuant to 30-18A(h). Submitted plans indicate that the proposed location is 280 ft. from the lot line at California St., which meets the 280 ft. separation requirement for a public right of way.
 - Setback requirement from nearest non-residential structure is 140 ft. (2 ft. per 1 ft. of height). As submitted plans indicate that the proposed monopole is located approximately 351 feet from nearest off-site nonresidential structure at 284 California St., this requirement is satisfied with respect to off-site buildings. It is noted that Post 440 building itself, however, is located 40 ft. from the monopole, and necessitates an exception pursuant to 30-18A(h).

8. *Section 30-18A(e)(7)d)* establishes certain co-location requirements pertaining to the siting of free-standing monopoles. The applicant has submitted a "Site Acquisition Analysis" identifying possible locations within 1/2 mi. of the proposed site and indicating why the proposed installation cannot be accommodated on these existing towers or buildings.
9. *Section 30-18A(e)(7)e)* establishes certain co-location requirements pertaining to use of free-standing monopoles by other wireless providers. Submitted plans indicate that provision has been made for one or more co-locators. In addition, the applicant needs to affirm that terms extended to co-locators will be reasonable as to conditions, timeliness, and rents which will be consistent with industry standards.
10. *Section 30-18A(e)(10)* establishes requirements pertaining to the location of ancillary equipment. Submitted plans propose the location of two HVAC units and a backup natural gas powered generator on the north side of the building in the vicinity of the existing HVAC unit and dumpster. These components are located farther than 10 ft. from the side lot line and as a result do not encroach on the side yard setback (7.5 ft. setback applies to pre-53 lots; 10 ft. setback applies to post-53 lots). As the proposed ancillary equipment will alter site plans previously approved per Board Order(s) #340-80 and #342-80, an amendment to these Board Orders, and plan of record referenced in Condition 2 are necessary. Other ancillary radio equipment will be placed in an equipment room to be constructed within the basement level of the Post 440 building and does not trigger this requirement.
11. The submitted plans and information comply with the Newton Zoning Ordinance unless otherwise noted below per the table titled "Summary — Wireless Installation Criteria".
12. See table "Zoning Relief Summary" below.

<i>Ordinance</i>	<i>Summary - Wireless Installation Criteria</i>	
	Residential Installation'	<i>Complies</i>
30-18A(d)(1)	N/A	N/A
	Amateur Installation	
30-18A(d)(2)	N/A	N/A
	Commercial Installation	
30-18A(d)(3)-(5)	Located in Business, Manufacturing, or Mixed Use zone	N/A
30-18A(e)(3) 30-18A(d)(5)	Complies with requirements that façade mounted antennae do not extend above the face of any wall, extend not more than 18" from the face of the building or structures to which attached, does not obscure any window or architectural feature, and blends in with building. See 3., above.	TBD*
	Design and Operating Criteria	
30-18A(c)(1)	Applicant has submitted a report from a qualified professional indicating compliance with Federal and Mass. laws and regulations pertaining to radio frequency emissions.	Yes

I.

Ordinance	Summary - Wireless Installation Criteria (cont.)	
		Complies
	Design and Operating Criteria cont.)	
30-18A(c)(1)	Applicant has submitted a report from a qualified engineer or other professional indicating compliance with Federal and Mass. equipment standards.	Yes
30-18A(c)(1)	Applicant has submitted a copy of the applicable FCC licenses.	Yes
30-18A(c)(2)	Applicant agrees to maintain equipment in good and safe condition and comply with all applicable FCC standards.	Yes
30-18A(c)(3)	Proposed installation is suitably screened and camouflaged.	Yes
30-18A(c)(4)	Fencing controlling access to installation is compatible with neighborhood.	Yes
30-18A(c)(5)	Equipment boxes must be located in interior of building, be completely camouflaged, or completely screened from view from the public way.	Yes
30-18A(c)(6)	Freestanding wireless installation must meet setback requirements; shall be screened from the public way; shall be located in the rear yard of the subject lot. See 7., above.	No
30-18A(c)(7)	No part of any building-mounted installation shall be located over a public way.	N/A
30-18A(c)(8)	Installation avoids major topographic changes; minimizes removal of trees and soil in a manner compatible with appearance of neighborhood.	Yes
30-18A(c)(9)	Installation avoids removal or disruption of historic resources on and off site.	Yes
30-18A(c)(10)	Illumination complies. See 5., above.	TBD*
20-24 & 25		
30-18A(c)(11)	Complies with requirements pertaining to amateur radio operations.	N/A
30-18A(c)(12)	Applicant has submitted a report from a qualified acoustical engineer indicating installation complies with City of Newton Noise Ordinance.	Yes

TBD* = To be determined

Ordinance	Zoning Relief Summary	
	Wireless Communication nStallátiOn'	Action Req
30-18A(e)(3) 30-18A(d)(5)	Approval of 1 facade-mounted GPS antenna affixed to exterior north (rear) side of building extending at roofline of a veterans post clubhouse building in the MR-2 zone. Antenna to be painted to match existing building in color and texture.	X
30-18A(e)(6)	Approval of roof-mounted cable trays and related ancillary equipment.	N/A
30-18A(e)(7)	Approval of free-standing flagpole style monopole.	X

Ordinance	Zoning Relief Summary (cont.)	
	Wireless" CommunicatiOn Installation (cont)	Action Req
30-18A(e)(7)b) 30-18A(h)	Approval to locate free-standing flagpole style monopole closer than 125 ft. from a lot line at 99 ft. from the rear lot line.	X
30-18A(e)(7)c) 30-18A(h)	Approval to locate free-standing flag-pole style monopole closer than 280 ft. at 195 ft. from the nearest residential structure at 43-45 Rustic St.	X
30-18A(e)(7)c) 30-18A(h)	Approval to locate free-standing flagpole style monopole closer than 160 ft. at 40 ft. from the Post 440 building, the nearest non-residential structure.	X
BO #340-80; 342-08, Cond. 2	Approval of ancillary equipment, i.e. 2 HVAC units to be located at grade adjacent to north' side of building toward rear within fenced enclosure.	X
BO #340-80; 342ft, Cond. 2	Approval of ancillary equipment, i.e. gas-powered generator to be located at grade adjacent to the HVAC units near the north side of building toward rear within fenced enclosure.	X
	Extension of Non-conforming Structure	
30-21(b)	Not applicable	N/A
	Site	
30-23	Approval of site plan and landscape plan.	X
BO #340-80; 342-b6, Cond. 2	Amend previously approved site plan and landscaping.	X
	Special Permit	
30-18A(h)	Approval of special permit.	X
30-24(d)	Approval of special permit.	X
BO #340-80; 342-te, Cond. 2	Amend previously approved special permit and Condition 2.	X
	Zoning Board of Appeals	
	Not applicable.	N/A

Plans & materials reviewed:

- Information packet prepared by Gehring & Associates, LLC, dated March 21, 2007
- Affidavit of Radio Frequency Engineer, May 1, 2007, by Michael Creamer, RF Engineer
- RF Emissions Report, April 25, 2007, Donald L. Haes, Jr., PhD, CHP
- Verizon Site Acquisition Analysis
- Report re: compliance with Newton Noise Ordinance, February 19, 2007, by Modeling Specialties
- Plan set titled "Newton Silver Lake, 295 California St., Newton, MA 02458", last revised 4/30/07, prepared by Bay State Design Associates, Inc., 70 Tower Office Park, Woburn, MA 01801, stamped and signed (except where noted below) by Ronald J. Jackson, Registered Professional Engineer, consisting of the following:
 - > Sheet T-1, Title Sheet
 - > Sheet A-1, Site Plan, Basement Room Layout
 - > Sheet A-2, Elevations
 - > Sheet C-1, Existing Conditions (not stamped or signed)
 - > Sheet C-2, Proposed 70 ft. Flagpole (not stamped or signed)
 - Detail – Typical GPS Antenna Mounting Detail (undated; not stamped or signed)